

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 28,1999
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Cathy Holdeman, Assistant City Manager; Joe Lang, First Assistant City Attorney; Pat Burnett, City Clerk; present.

The invocation was given by The Most Reverend Thomas Olmstead, Bishop of Catholic Diocese of Wichita.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of September 21, 1999 were approved 7 to 0.

AWARDS AND PRESENTATIONS**PROCLAMATIONS**

Proclamations that were previously approved were presented.

NEW BUSINESS**HUD ANNUAL REPORT HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE REPORT.**

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 99-952.

The City is required to prepare an annual performance report for projects covered by the HUD Consolidated Plan. The report includes activities of the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and the HOME Investment Partnership (HOME) programs. The report covers the period from July 1, 1998 through June 30, 1999.

During the reporting period, City of Wichita residents received direct benefits from CDBG capital improvements, housing and public services. Beneficiaries totaled 29,339 (duplicated counts) and included 12,847 lineal feet of curbs and gutter, 59,351 square feet of sidewalks, 25,967 square yards of street and driveway improvements, 47 wheel chair ramps and 347 housing units rehabilitated. The HOME program assisted 40 households to secure affordable housing and ESG provided services to 2,288 persons (cumulative) by providing short term shelter, case management and other services. An executive summary of the HUD Consolidated Annual Performance.

The grand total expenses for all funding sources of the Consolidated Plan were \$5,713,468. Total expenditures during the last fiscal year for the CDBG program were \$4,415,103. HOME program expenditures during the program year were \$1,217,531. Total ESG expenses were \$80,834.

The City is required to provide for citizen review/comment prior to submitting the report to the U.S. Department of Housing and Urban Development (HUD). A public hearing is also required by the regulations. On September 4, 1999, the City published a notice accepting public comments until September 20, 1999. No comments were received. The report has been made available to CPO, and copies of the report were provided in the Finance Department, Human Services Department, City Council office and at the branch libraries.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion --
-- carried

Cole moved that the public hearing be closed; the plan be received and filed; and submission of the Report be authorized. Motion carried 7 to 0.

CITIZEN INPUT

CITIZEN INVOLVEMENT PROCESS.

Agenda Report No. 99-953.

At the May 25, 1999, City Council Retreat, Council Members Cole and Pisciotte were asked to review the recommendations from the Citizen Involvement Task Force regarding restructuring the current citizen involvement process and develop a proposal for the City Council. Council Members Cole and Pisciotte developed a District Advisory Board proposal and met with current Citizen Participation Organization (CPO) members, neighborhood association members and members from the Citizen Involvement Task Force.

Since there was not a consensus on the District Advisory Proposal, it has been recommended that the City Council develop an alternative citizen involvement process with an end date to the current CPO on or before April 15, 2000. The planning and zoning process will also be reviewed as a part of this initiative. The resolution sets forth the Council's intent to proceed on these matters.

Currently, CPO and one Neighborhood Assistant positions are funded with CDBG allocations. Staff would need to work with representatives from HUD, Housing and Urban Development, to determine qualifications for changes in the current process.

The City Council has the authority under its Home Rule powers to sunset and abolish the CPO.

Council Member Pisciotte

Council Member Pisciotte expressed concern regarding the relationship between CPOs and development neighborhoods.

A Citizen Involvement Task Force came forth with a report; however, there was no consensus on how to restructure citizen involvement.

Public hearings were held on a proposal developed by Council Members Cole and Pisciotte, again with no consensus.

Council Member Cole

Council Member Cole said the proposed Resolution had been rewritten and read the following portion of the Resolution:

Council Member Cole said what is determined from looking at the MAPC will have a large impact on the function of a new entity.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Elizabeth Bishop

Elizabeth Bishop, representing Partners in Development Research, a group whose mission is to involve more citizens in land use decision making, asked the Council to consider the deep connection between citizen participation, neighborhood activism, and urban planning. Land use decision making is the heart and soul of neighborhood activism, and a major motivator for citizen participation.

Ms. Bishop expressed five serious concerns regarding citizen participation in the community's planning processes:

- 1) 30-day timeline for consideration of planning cases.
- 2) Night meetings.
- 3) Notification area.
- 4) Neighborhood meetings.
- 5) Conflict of interest standards.

Ms. Bishop asked that the CPO not be sunset unless or until a replacement has been decided on and the MAPC issues have been fully addressed.

Larry Ross

Larry Ross said the proposed District Advisory Boards had a flawed process and there was no consensus developed; and that the "CPO is superior to the great void."

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- Bill Willey Bill Willey, past president of CPO 2, said CPO is probably the most "in your face" representation of local government. It is a good way to address public concerns.
- More citizen input is needed.
- Council Member Pisciotte Council Member Pisciotte suggested a more all-inclusive method for citizen involvement should be found. The community is capable, with broad based input, to develop a dynamite proposal called the "Wichita Plan which should involve everyone in the decision making process
- Council Member Cole Council Member Cole said she was looking for advisory boards that would meet on a monthly basis to consider issues common with most of the neighborhoods. There should be meaningful dialogue to help decide what the needs are for the district.
- There is no way a Council Member can attend 35 to 40 meetings, develop a comprehensive work plan, and develop concerns for neighborhoods.
- Council Member Lambke Council Member Lambke stated that he would like to see each Council Member submit ideas for City Council consideration.
- Motion -- carried Pisciotte moved tat the Task Force Report be received and filed. Motion carried 7 to 0.
- Motion -- Pisciotte moved that the Resolution be adopted; and development of an alternative citizen involvement process and -- carried recommendation on the zoning and planning process be authorized. Motion carried 6 to 1. Gale - No.

Resolution No: R-99-364

A Resolution of the governing Body of the City of Wichita expressing its intent to: sunset the Citizen Participation Organization; implement an alternative citizen involvement process; and review and provide recommendations on the zoning and planning process, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SPECIAL ASSMTS.

PUBLIC HEARING ON SUPPLEMENTAL ASSESSMENTS FOR ONE PAVING AND ONE WATER PROJECT.

Cathy Holdeman Assistant City Manager reviewed the Item.

Agenda Report No. 99-954.

During a recent reconciliation of outstanding projects, two errors were identified on two separate special assessment projects. All affected parties have been notified of the supplemental assessments and the public hearing. City Staff held an informal hearing regarding these assessment adjustments on September 24, 1999.

The paving resolution for the 37th and Toben project was filed in 1984. At that time, the resolution called for the parcels to be assessed on a front-foot basis unless lots were subsequently split, then assessments would be based on a square foot basis. Construction of the improvement was delayed until development was substantial enough to necessitate the improvement. When the improvement was completed (and the parcels ready to be assessed), all of the parcels had been split or altered in some fashion with the exception of four parcels. When the specials were computed for this area, however, the logic used was invalid for the lots being assessed. The result was approximately half of the owners were being overcharged, and half were being undercharged.

The water resolution for the Rocky Creek Addition was filed in 1996; however, in March of 1997, a rescinding resolution was submitted to Engineering. This resolution called for a reduced improvement district which would have increased the (per lot) cost of the remaining parcels. The parcels being excluded from the original resolution were to be added to an improvement district for an adjacent improvement, thus equalizing the assessments for the two improvement districts. When notices of assessment were sent, the calculation was based on 55 lots as opposed to the new district size of 38 lots. The principal increase to each property owner is approximately \$520.

Statements of Supplemental Assessments with these adjustments were mailed to property owners on September 17, 1999. By approving the supplemental assessments, the corrections can be made to the tax roll; affected property owners will receive their corrected property tax bill in November reflecting the changes proposed.

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The supplemental assessments are authorized pursuant to provisions of KSA 12-6a12..

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the assessments be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-365

A Resolution rescinding Resolution Number R-99-072, authorizing certain improvements to portions of Rocky Creek Addition, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

NW SEWER IMPROV. NORTHWEST SEWER IMPROVEMENTS. (District V)

Cathy Holdeman

Assistant City Manager reviewed the Item.

Agenda Report No. 99-955.

In March 1997, the City Council authorized Staff to retain professional engineering services to develop a master sewer plan for the northwest to address current and future sewer system needs. On January 19, 1999, the City Council approved a plan for a new sewage treatment plant and other improvements to serve northwest Wichita.

On March 11, 1999, the City Council conducted a public hearing on a number of potential sites for the new sewage treatment plant. On March 30, 1999, the City Council selected a site for the new sewage treatment plant, and directed Staff to start the process of retaining a consultant engineer to design and construct the improvements.

A Request for Proposals (RFP) for management of the northwest sewer treatment facility projects was sent to qualified engineering firms. The City's Staff Screening and Selection Committee recommended the team of B&C/PEC to perform the work.

Staff negotiated a contract with B&C/PEC for Northwest Sewer Improvements Program Management in the amount not to exceed \$2,816,220. Services included in the contract are: Program Management; refinement of the Northwest Sewer Master Plan in consideration of the plant site selection; zoning; site permitting; main pump station siting; development of plans and specifications for the new plant, main pump station and force main, Basin 2 improvements, and Basin 3 improvements; construction phase engineering services; and plant start-up services. B&C/PEC are required to parcel out at least 75% of the design work to local engineering firms.

B&C/PEC will perform the professional services in the scope of services of the contract for an amount not to exceed \$2,816,220.

The projects associated with the Northwest Sewer Master Plan are divided into three projects:

S-512: Northwest Sewage Treatment Plan -	\$ 8.8 million
S-513: Sewage Treatment Plant #2 Improvements -	\$ 9.2 million
S-514: Improvements in Basins 1, 2, 3 & 4	<u>\$11.3 million</u>
Total	\$29.3 million

The recommendation is for the improvements in Basins 1, 2 and 3 to be designed and constructed with the Northwest Sewage Treatment Plant as part of S-512. Therefore, it is proposed to shift \$950,000 in the 1999 CIP budget from S-514 to S-512. There will be no change in the total CIP budget.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Martz

Council Member Martz said he was again asking engineering that work on flood control around the new plant have high priority.

Motion --
-- carried

Martz moved that the Contract and notice of intent to publish be approved; the CIP be modified; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. R-99-366

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$3,250,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

ODOR CONTROL

ODOR CONTROL - SEWAGE TREATMENT PLANT #2.

David Warren

Director of Water and Sewer

Agenda Report No. 99-956.

On August 3, 1999, the City Council approved a Contract with Camp Dresser & McKee, Inc., (CDM) for design services for improvements at STP #2 (CIP S-513) Sewage Treatment Plant #2 Improvements. Included in the improvements were additional odor control measures at the facility.

Staff and CDM believe the modification to the headworks structures, coupled with recent concerns, offers an opportunity to expand the areas in which odors are controlled at STP #2. As a part of the project, Staff recommends involving interested parties such as Citizen Participation Organizations and area citizens in a public forum on odor control initiatives related to the project. The forum would also serve to increase awareness of what has been done in the past.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Cole left the Bench.

Motion -- carried

Lambke moved that the Report be received and filed. Motion carried 6 to 0. (Cole absent)

Council Member Cole present.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Cole reappointed Elizabeth Bishop and Bill Fox (Community Corrections) and moved that the appointments be approved. Motion carried 7 to 0.

Motion --

Martz appointed Kent Voth and Barbara Loman (Library); James Skelton (Housing); Board of Appeals of AC, Refrigeration, etc: Kerry McCartney (Journeyman AC Mechanic), Lee Kerschen (public at large), John Moody (Mechanical Engineer), Kent Kruse (Journeyman Boiler), Ronald Stidman (AC WAH Contractor); Board of Appeals of Plumbers & Gas Fitters: Patrick Johnson (Mechanical Engineer), Ken Englert (Mechanical Contractor), Tarrence Floyd (Journeyman Plumber), James Pat Richardson (Public at large), John Reed (Master Plumber); Board of Electrical Appeals: Michael Corn (Public at large), David Kratz (Mobile Home Technician), Robert McFadden (Journeyman Electrician), Jim Martin (Professional Engineer), Lawrence Newton (Master Electrician), Philip Smith (Master Electrician), Larry Cook (Journeyman Electrician), and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

PROCLAMATIONS

PROCLAMATIONS.

There were no proclamations considered.

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CONSENT AGENDA

Motion --
-- carried

Knight moved that the Consent Agenda, including addendum Items, except Items 9, 17b, 22, 24, and 30c, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 27, 1999.

Bids were opened September 24, 1999, pursuant to advertisements published on:

Hoover, from the south line of First Street to the north line of Second Street to serve Westbreeze Addition and Unplatted Tracts - south of Central, east of I-235. (472-83066/765566/490677) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/2/99. (District IV); Second Street, from the east line of Hoover to the west line of Flora, and from the east line of Flora to the west line of Elder to serve Fruitvale Park and Westbreeze Additions - south of Central, east of Hoover. (472-82978/765214/490623) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV); AND Third Street, from the west line of Florence to the west line of West Street to serve Masterbilt, McPherson, Loyd, and Parkwilde Additions - south of Central, west of West Street. (472-82979/765222/490624) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV)

Ritchie Paving - \$215,500.50 (Total aggregate bid)

Maywood from the east line of Seneca to 112 feet east of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82995/765388/490640) Traffic to be maintained through construction. City Council approval date: 9/15/98. (District IV)

Kansas Paving Company - \$153,328.75

Lockwood from the east line of Seneca to the west line of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82980/765206/490622) Traffic to be maintained through construction. City Council approval date: 8/4/98. (District IV)

Kansas Paving Company - \$174,442.50

13th Street North from approximately 600 feet east of Rock Road to the east City limits. (472-83028/706770/208231) Traffic to be maintained during construction using flagpersons and barricades, except that the street may be closed completely for one 45-day period. City Council approval date: 4/20/99. (District II)

Central Paving - \$677,519.68 (Corrected total)

Water line adjustments in connection with paving Central, 127th East to 143rd East - east of 127th Street East at Central. (448-89369/635603/769663) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (County)

Wildcat Construction - \$97,448.00

Parkdale from the southerly line of Lot 40, Block 4, to the north line of Lot 20, Block 4; Central Park from the east line of Lot 1, Block 8, to the west line of Lot 16, Block 4; Parkdale from the north line of Central Park to the north line of Lot 1, Block 9; Ryan from the east line of Parkdale to the east line of Lot 9, Block 8; and Parkdale Courts (2) serving Lots 20 through 40, Block 4 to serve Evergreen Addition - west of Maize Road, north of 21st Street. (472-83133/765596/490707) Does not affect existing traffic. City Council approval date: 8/10/99. (District V)

Ritchie Paving - \$211,817.55 (Base bid total with alternate 1)

Pepper Ridge from the south line of Lot 12, Block 5, to the north line of Lot 23, Block 5; and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3 to serve Forest Lakes West Addition - north of 29th Street North, east of Tyler. (472-82871/765587/490698) Does not affect existing traffic. City Council approval date: 9/23/97. (District II)

Ritchie Paving - \$165,230.25 (Base bid with added alternate)

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Lateral 429, Southwest Interceptor Sewer to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (468-82987/743809/480497) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V)

Dondlinger & Sons - \$332,820.00 (Negotiated to engineer's estimate)

Lateral 62, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (468-82998/743808 /480496) Does not affect existing traffic. City Council approval date: 8/24/99. (District II)

WB Carter Construction - \$74,231.00

Water distribution system to serve The Legacy Addition - west of Meridian, south of MacArthur – (448-89392/734931/470601) Does not affect existing traffic. City Council approval date: 6/22/99. (District IV)

H D Mills & Sons - \$25,403.00

Water distribution system to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (448-89389/734937/470607) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V)

Wildcat Construction - \$201,982.00

Water distribution system to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (448-89393/734935/470605) Does not affect existing traffic. City Council approval date: 8/24/99. (District II)

Mies Construction – \$48,659.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Air Conditioning Replacement – Wichita Historical Museum. (792135)

Piping & Equipment Co., Inc. - \$59,995.00 (Base bid/lump sum total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Electrical Preventative Maintenance – Finney State Office Building. (205203-2505)

Decker Electric Inc. - \$7,850.00 (Total net bid)
\$38.00 (Option 1/per man hour)
15% (Option 1/percentage markup)
\$5,550.00 (Option 2/lump sum)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Underground Fuel Storage Tank Excavation, Removal and Disposal – Wichita Transit Bus Maintenance Facility. (160028)

Cornejo & Sons - \$15,235.00 (Lump sum total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Cabinet Repair and Replacement. (130823)

Descon, Inc. - \$6,136.00 (Group I/total net bid)
\$6,799.00 (Group II/total net bid)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Carpet Replacement at Various Recreation Centers. (130823)

Star Lumber & Supply Company - \$14,830.00 (Lump sum total)
\$ 200.88 (Option 1/lump sum total)

POLICE DEPARTMENT/PISTOL RANGE DIVISION: Body Armor. (600528)

Baysinger Police Supply - \$23,295.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption off Premises)</u>
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Item 9	Malvin E. Walker	E & H Recreation	2225 East Ninth Street
Motion -- carried	Knight moved that this Item be stricken from the Agenda. Motion carried 7 to 0.		

<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Mary T. Villar	Ol Mexico Café, Inc.*	6140 East 21st Street
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*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a. Reconstruct a portion of Main Three, War Industries Sewer in Fabrique from Funston to Harry - west of Woodlawn, south of Harry. (468-82993/620264/669389) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 8, 1999. Motion carried 7 to 0.
-- carried

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Murdock paving at Wichita Street and storm sewer, Phase II - Murdock at Wichita Street. (472-83473/706002/405154) Traffic to be maintained during construction, except for a two-week closure of Murdock at Wichita Street. City Council approval date 2/4/97. (District VI)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 8, 1999. Motion carried 7 to 0.
-- carried

PRELIMINARY EST.

PRELIMINARY ESTIMATE:

a. 29th Street North, from Oliver to Woodlawn - east of Oliver at 29th Street North. (87N-0137-01/472-82996/448-89104/706754/208229) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/11/98. (District I) - \$1,350,000

Motion -- carried Knight moved that the Preliminary Estimate be approved and filed. Motion carried 7 to 0.

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DEEDS/EASEMENTS

DEEDS AND EASEMENTS:

a. Sanitary sewer easement dated August 24, 1999, from Shawn D. Penner for a tract of land in the Valentine Addition. (Private Project - index code 607861) No cost to City.

b. Utility easement dated September 15, 1999, from BERM, L.L.C., a Kansas limited liability company, for a tract of land in the NW 1/4 of Sec. 25, Twp. 27-S, R-2-W and the NE, SE and SW 1/4s of Sec. 26, Twp. 27-S, R-2-W (Auburn Hills Gas Line Project - index code 751172) No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0.

BAREFOOT BAY

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 1 AND 2, BLOCK 1, BAREFOOT BAY SECOND ADDITION – SOUTH OF 29TH STREET, WEST OF HOOVER. (District V)

Agenda Report No. 99-957.

The Petition has been signed by three owners representing 100% of the improvement district.

This project will provide sanitary sewer service for two single-family homes.

The estimated project cost is \$30,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-367

Resolution of findings of advisability and Resolution authorizing construction of Lateral 440, outhwest Interceptor Sewer (south of 29th Street North, west of Hoover), 468-83035, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 8-2-99

CPO Northeast Council 1, 9-13-99

CPO Southeast Council 3, 8-26-99

CPO Southwest Council 4, 9-9-99

CPO Northwest Council 5, 9-15-99

CPO North Central Council 6, 9-15-99

Deferred Compensation Board, 9-9-99

Wichita Airport Authority, 8-16-99

Wichita-Sedgwick County Board of Health, 9-2-99

Wichita-Sedgwick County Emergency Communications Advisory Board, 8-19-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

(Item No. 16)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Steve Lackey

Public Works Director said, due to the rainy weather, the closing would be moved from October 2, 1999, to October 9, 1999.

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Agenda Report No. 99-979.

Wildcat Construction Company, Inc. is nearing the completion of the major work involved in the Kellogg/Oliver improvement project. The contractor is requesting a 3 ½ hour total closure of Edgemoor at both the north and south sides of Kellogg on Saturday, October 9, 1999 from 6:30 a.m. to 10:00 a.m. The requested closures will allow the contractor to install the permanent overhead traffic signals and accomplish other related construction activities at this intersection.

The contractor will be installing message boards to advise motorists of the upcoming closures and appropriate traffic control will be installed during the closure period. The contractor is responsible for notification of affected businesses and residents.

Motion --
-- carried

Knight moved that the street closure be approved subject to coordination with City Staff, and submission of an insurance certificate. Motion carried 7 to 0.

WATER/SEWER HVAC WATER AND SEWER LABORATORY HEATING, VENTILATING AND AIR CONDITIONING (HVAC).

Agenda Report No. 99-958.

The Water and Sewer Laboratory performs analysis on water and wastewater samples. On April 13, 1999, the City Council approved a project to make improvements to the HVAC in the laboratory.

The Purchasing Manager sent a Request for Proposals (RFP) for a design/build project to make needed improvements to the HVAC in the Water and Sewer Laboratory. Responses were received from three firms: Dean E. Norris, Inc.; Kruse Corporation; and the Waldinger Corporation. Based on their proposals, Staff recommends Waldinger Corporation to provide the design/build. Services they will provide include completing a final design for HVAC improvements (based on the concept design developed by Professional Engineering Consultants), and construction and installation of the HVAC improvements for the laboratory.

City Council approved CIP W-808, HVAC at Water Treatment Plant, on April 13, 1999, with available funding of \$280,000. The total cost of this project will be \$256,280.

City Council authorization is required for projects that exceed \$10,000.

Motion --
-- carried

Knight moved that selection of the Waldinger Corporation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 17b)

CHENEY CONTRACT ELECTRICAL RATE CONTRACT - CHENEY PUMP STATION AND EQUUS BEDS WELLFIELD.

Motion -- carried

Knight moved that this Item be stricken from the Agenda. Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR EVERGREEN ADDITION – PHASE TWO – NORTH OF 21ST STREET, WEST OF MAIZE. (District V)

Agenda Report No. 99-960.

The City Council approved the Evergreen Addition – Phase 2 on August 10, 1999.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in the Evergreen Addition – Phase 2. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment will be on a lump sum basis of \$48,600, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PARK CONSULTANT

CONSULTANT AGREEMENT FOR PARK NEEDS ASSESSMENT STUDY AT CHAPIN, BROOKS, AND GARVEY SITES. (Districts III and VI)

Agenda Report No. 99-961.

In May of 1999 the Department of Park & Recreation issued a Request for Proposal to engage a consultant firm who could conduct a Needs Assessment Study for the design of three undeveloped park areas—Chapin Landfill, Brooks Landfill and the Garvey site (previously YMCA property). After receiving responses to the RFP the City's Staff Screening and Selection Committee selected the firm of Jones Rice Foster, P.A. of Wichita, Kansas to perform these services. The Park Department requests that the agreement with this consultant firm be approved.

The firm of Jones Rice Foster, PA was selected by the City's Staff Screening and Selection Committee to conduct a needs assessment study in order to provide recommendations for the design of three potential park sites—Chapin Landfill, Brooks Landfill and the Garvey site. The consultant will 1) identify community stakeholders with in interest in development of the sites, 2) hold public meetings and interviews with interested parties and neighborhood groups 3) organize an oversight team to evaluate and provide recommendations as a result of the public input, and 4) develop a final report to the City.

The City agrees to pay the consultant the sum of \$30,000 for their services, plus \$1,500 for reimbursed expenses.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FRANCHISE REVIEW

MULTIMEDIA CABLE FRANCHISE REVIEW: CONSULTATION SERVICES.

Agenda Report No. 99-962.

The current franchise ordinance with Multimedia Cablevision was adopted by the City Council on February 18, 1994. At this time, the franchise ordinance (originally adopted in 1990) was voluntarily reopened at the request of Multimedia to expand the cable franchise grant into a broadband telecommunications network. Beyond the expansion of technical services available from Multimedia, other terms of the ordinance were essentially left the same. In September 1996, a financial compliance review was completed.

In May 1999, the City provided Multimedia written notice of the City's desire to perform a five-year review, as provided by the ordinance, of the current franchise. The objective of the review is to look at changes in law and regulations as well as the entire franchise agreement to determine what changes or technology improvements are needed. City Staff met with Multimedia prior to the announcement of the Asset Purchase Agreement by Cox Communication, Inc., of Multimedia and discussed issues.

On September 14, 1999, the City Council approved the ordinance transferring the franchise agreement from Multimedia, Inc., to CoxCom, Inc. (a subsidiary of Cox Communications, Inc.).

Cox Communications, Inc., has acknowledged that a five-year franchise review is in process.

From preliminary reviews, Staff believes that the current franchise may not be fully serving the community in technical services provided to the Public Educational and Governmental Institutes (PEG Access) which were previously agreed to in 1990.

To assist Staff with technical advice, a Request for Proposal (RFP) was developed seeking a formal assessment of the current franchise ordinance, recommendations for negotiations, and benchmarking the term/conditions of recently negotiated franchises in other communities. Additional services will be to provide an education and training session to senior management on the application of data communications technology for municipal operations.

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The RFP was sent to 24 firms; the City received four responses. The Staff Screening and Selection Committee recommended the joint proposal of the Baller Herbst Law Group combined with Navigant Consulting to perform the desired services.

The total fee for services will not exceed \$29,400. The funding for this project is budgeted within the departmental research/development account.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LAWSUIT PAYMENT

PAYMENT FOR SETTLEMENT OF LAWSUIT - CASE NO. 98 C 2205.

Agenda Report No. 99-963.

The City is the defendant in a personal injury action in which the plaintiff has alleged she was damaged as a result of City negligence in maintaining the water meter box in the 700 block of Hunter Street in southeast Wichita.

The case was tried in May and the City was found to be 46 percent at fault; the plaintiff 44 percent at fault; and unknown third persons to be 10 percent at fault. The plaintiff was awarded \$29,258.21 in damages resulting in a judgment against the City in the amount of \$13,458.78. The plaintiff moved for a new trial on the issue of damages, alleging that the jury award was insufficient and inconsistent. The court agreed and a second trial is set for late in October. This trial would consider only the issue of the plaintiff's damages. The findings as to fault are set by the first trial. After evaluating the risks associated with defending the second trial, the Law Department believes there is a substantial possibility that the damage award in the second trial will be higher. Plaintiff has offered to settle the case for a total payment of \$20,000.

Funding for the settlement payment is from the City's tort claims fund.

Motion --
-- carried

Knight moved that the Settlement of Litigation be approved and the settlement payment be authorized. Motion carried 7 to 0.

NORTHEAST SEWER .

NORTHEAST SEWER IMPROVEMENTS.

Agenda Report No. 99-964.

On June 18, 1996, the City Council approved the expansion of the urban growth/service area to include an area generally east of Webb Road to 127th Street East and from north of 17th Street North to 29th Street North and authorized Staff to include that area in planning sewer improvements. On February 3, 1998, the City Council approved a contract with Mid-Kansas Engineering Consultants to develop a NE Sewer Service Area Master Plan and to design certain improvements to serve this area. On July 21, 1998, the City Council approved construction of Phase I of the Northeast Sewer Main. On October 20, 1998, the City Council approved modifications to the CIP that allocated \$7.7 million in 1998, 1999, and 2000 for the projects outlined in the Northeast Sewer Service Feasibility Study. These funds are currently in S-5, Mains for Future Development.

In order to better track projects designed and constructed in this service area, Staff proposes setting up a new CIP project, S-515, Improvements in Northeast Wichita. Subprojects would be set up under this CIP as needed. Funds from S-5 designated for the Northeast Sewer Improvements would be transferred to this project.

The total budgeted CIP will not increase. This involves a transfer of allocated funds from one project to another to facilitate financial accounting.

The Bond Resolution and Notice of Intent associated with this project were adopted and approved on October 20, 1998, in the amount of \$7.7.million.

Motion --
-- carried

Knight moved that the creation of CIP S-515, Northeast Sewer Improvements be approved; the budget funds be allocated; and the transfer of budget funds be authorized. Motion carried 7 to 0.

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CHENEY RESERVOIR

MEMORANDUM OF UNDERSTANDING/COST SHARE AGREEMENT – CHENEY RESERVOIR WATERSHED.

Agenda Report No. 99-965.

Cheney Reservoir, one of Wichita's major sources of water, provides approximately 60% of Wichita's annual water supply. Cheney will play an even larger role in meeting the City's water supply needs in the future. On August 24, 1993, the City Council authorized Staff to assist Reno County with the submittal of a grant request to the U.S. Environmental Protection Agency for a watershed improvement grant. As part of that action, the City Council authorized the City to share the costs associated with implementing "best management practices" for the watershed.

It has been determined that Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into Cheney Reservoir from soil erosion, displaces water, and is a major factor in determining the "life" of the Reservoir. Measurements of phosphates in the North Fork of the Ninnescah River and in the Reservoir indicate phosphate levels higher than desired. High phosphate levels can lead to an increase in microscopic plant activity, thus increasing taste and odor problems in the water.

The Reno County Conservation District has funds available from the Water Resources Cost Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to finance implementation of conservation practices in the watershed. Under these two programs (WRCS and NPS), the producer can implement "best management practices" that will reduce the pollution from their land and apply for reimbursement of up to 70% of the cost of the improvements. The proposed cost-share agreement stipulates that the City will pay the remainder of the costs for the improvements (30%) in the watershed. Producers will not be eligible for any costs that exceed the County Average Cost for such improvements.

Although funds for this program were authorized for the Reno County Conservation District, administration of the funds will be through the Cheney Watershed Citizens' Management Committee. This Committee is administering the Watershed Management Plan and coordinating the efforts to promote the installation of "best management practices" in the watershed. The funding agreement will help facilitate the creation of partnerships between producers in the watershed and the City to reduce pollution entering Cheney Reservoir. All counties in the watershed, Stafford County, Pratt County, and Kingman County, have agreed to participate. Projects completed in those counties will be submitted to the City through the Reno County Conservation District.

There are several alternatives available to the City to reduce or eliminate pollution in Cheney Reservoir.

- 1) Participate in this program. The WRCS and NPS programs will provide 70% of the funds used to correct pollution problems in the basin, with the remaining 30% financed by the City.
- 2) Wait until the pollution problems are more severe. If this alternative were selected, the City would risk available funding sources, as the current WRCS and NPS programs may not be available in the future. Furthermore, customer dissatisfaction with taste and odor, or the cost of treating it, would have a detrimental impact.
- 3) Forego efforts to work in the basin and respond to the water quality in the Reservoir. Poor water quality in the Reservoir could be treated by using various methods, such as granular activated carbon, ozone, or other such methods. The cost could be as high as \$800,000 per year to remove taste and odor compounds in the water, but would not remove the sediment coming into the Reservoir. To remove the sediment after it is in the Reservoir, and thus extend its life, would require that the sediment be dredged which is a costly and environmentally destructive process.

The maximum WRCS cost-share to a single producer in a fiscal year is limited to a total of \$7,500 for each of these programs. The amount calculated is based on the County Average Cost, or actual cost, whichever is less. In Reno County the amount of WRCS funds available in fiscal year 2000 is \$100,222, and the amount of NPS funds available in fiscal year 2000 is \$39,000.

In Stafford County the amount of WRCS available to a single producer is limited to \$5,000, and the NPS Program is limited to \$5,000 in fiscal year 2000. The total amount of WRCS available in Stafford County is \$24,498 for FY 1999, and \$21,165 for NPS.

In Pratt County the amount of WRCS available to a single producer is limited to \$3,500, and the NPS Program is limited to \$1,750 in fiscal year 1999. The total amount of WRCS available in Pratt County is \$31,306 for FY 2000, and \$24,000 for NPS.

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In Kingman County the amount of WRCS available to a single producer is limited to \$3,500, but for the NPS Program they have left open the option to give all of their funds to a single producer, up to \$35,000, in fiscal year 2000. The total amount of WRCS available in Kingman County is \$26,987 for FY 2000.

Total costs to the City shall not exceed \$78,435 for WRCS and \$50,644 for NPS in fiscal year 2000 for a combined total of \$129,079.00 in fiscal year 2000.

These programs are part of a total program in the watershed that is estimated to cost \$3,481,400 over a six-year period that started in fiscal year 1995. Other sources of funding include the EPA, the State Water Plan, the USDA (WQIP \$350,000 and ACP Special Projects), as well as the City of Wichita. This has diversified the cost among numerous funding sources.

The City of Wichita has budgeted \$200,000 per year over the past five years in CIP W-500, Cheney Watershed Protection Plan. The new CIP has allocated \$300,000 for years 2000 and 2001, and \$200,000 for 2002, 2003, and 2004.

Motion --
-- carried

Knight moved that the Agreement and notice of intent to publish be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-965

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1.4 million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

COMPUTER/DATA

FIRE DEPARTMENT COMPUTER SYSTEM.

Agenda Report No. 99-966.

The Fire Department uses computer technology for electronic mail, report writing, fire data compilation and other functions through a network of personal computers and custom written software supported in-house by Fire Staff. The Current "Firenet" system is not Y2K compliant and must be replaced. Additionally, Fire Staff no longer has the in-house expertise to install or maintain a new system.

Change Works and City Staff evaluated Fire system needs. A new system design proposes replacement of the Firenet system with new, Y2K compliant, computers and servers at a cost of \$302,975, and ongoing management of the system through the Data Center at an annual cost of \$159,756. This will include increasing the Data Center staffing by one System Analyst II position.

Funding for the one-time costs for system installation is recommended to be provided from General Fund appropriated reserves. Ongoing annual operating costs will be absorbed within the Fire Department operating budget

Motion --
-- carried

Knight moved that the project, funding, additional Data Center System Analyst, and Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 22)

COLLEGE HILL POOL

COLLEGE HILL SWIMMING POOL IMPROVEMENTS. (District II)

Council Member Pisciotte

Council Member Pisciotte reviewed the Item.

Agenda Report No. 99-967.

On August 19, 1997, the City Council considered a proposal by residents of the College Hill neighborhood for a public/private partnership to construct a new neighborhood pool. The City Council voted 6-0 to approve the proposal. A Petition was submitted and signed by 1,618 of 2,844 owners of property in the proposed improvement

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district. CPO Council #2 considered the Petition on May 18, 1998 and voted 7-0 to recommend approval. The project cost was estimated at \$750,000, with \$250,000 paid by the City and the balance by special assessments/donations. The estimated assessment to individual properties was \$250 per ownership tract.

On June 2, 1998, the City Council approved the Petition and Resolution, and authorized the selection of an architect for design. The City Council later approved a Contract with Howard & Helmer Architects for the pool design and the bid from Caro Construction for construction of the pool.

In June 1999, the excavation of the pool revealed ground water (underground stream) at a level above the lowest level of the planned pool. The geotechnical engineer's initial response was that the water level would likely lower with the dry season. Based upon this evaluation, the construction of the deep-end of the pool was postponed to see if the water level would lower during the summer.

In July, it was evident the water level was not going to lower. To proceed with the footings, engineered fill would need to be placed for the footings. The geotechnical engineer's recommendation was to remove three inches of saturated muck from the bottom of the excavation and place recycled concrete to the level of the footings. This was done but later rejected as a suitable base. The engineer's recommendation was to remove the saturated recycled concrete, install a filter fabric; install drain tiles, place one-inch rock to the level of the footings, and cover with plastic sheeting.

Two other modifications are also proposed because of the ground water problem.

(1) Instead of discharging the foundation drainage sump pump water onto grade, the water will be discharged into the storm sewer.

(2) Construct the surge pit above ground and lower into the excavation.

Staff recommendation is to have the City pay additional cost for the extra work to solve the ground water level problem. The cost for the added work is \$18,837 and will be funded from the Swimming Pool Improvements (P-9601) account.

When the project was marketed to the College Hill neighborhood, the cost to the property owner was estimated to be \$250, total/\$25 per month.

The City Council may authorize an increase in the project budget by approving an amended Resolution.

Motion --
-- carried

Pisciotte moved that the change orders be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-369

A Resolution of findings of advisability and Resolution authorizing construction of the College Hill Swimming Pool (east of Hillside, south of Douglas) (Project No. 472-89254) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

1998 PARK CIP RES.

1998 PARK CAPITAL IMPROVEMENT PROGRAM – AMENDING RESOLUTIONS.

Agenda Report No. 99-968.

The 1998 Capital Improvement Program (CIP) for Bikeway Rehabilitation and Chisholm Creek Park was approved by City Council on April 28, 1998, as follows:

<u>Project</u>	<u>Scope of Workforce Investment Act</u>	<u>CIP Budget</u>
Chisholm Creek Park	Park Lighting	\$105,000
Various Parks	Bikeway Rehabilitation	\$ 50,000

Funding source is General Obligation Bonds.

Motion -- carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-99-370

A Resolution amending Resolution No. R-98-156 pertaining to findings of advisability and authorizing improvements in Chisholm Creek Park (472-82920), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-371

A Resolution amending Resolution No. R-98-161 pertaining to findings of advisability and authorizing improvements to various city park bikeway systems (472-82925) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 24)

PROJECT ACCESS

PROJECT ACCESS GRANT FUNDING.

Council Member Pisciotte Council Member Pisciotte reviewed the Item.

Agenda Report No. 99-969.

On June 1, 1999, the Medical Society of Sedgwick County (MSSC) presented the Project Access program to the City Council and the Sedgwick County Commission during a workshop session. Project Access is a physician-led partnership of volunteer physicians, social service agencies, hospitals, clinics, area pharmacies, United Way, state and local governments to address the challenge of providing needed medical care to the working uninsured. The Medical Society of Sedgwick County is leading the community partnership to improve access to health care for low-income, uninsured residents of Wichita and Sedgwick County (estimated at more than 50,000). Project Access combines donated physician care, hospital services, and medication assistance in a coordinated program designed to complement and enhance the work of existing low-income clinics. The Wichita program is modeled on the Asheville, North Carolina model which has been operational for approximately three years and recently won a national Innovations in Government Award.

To be eligible for Project Access, patients must live in Sedgwick County, not have insurance and not be able to qualify for other programs such as Medicaid or Medicare. Total family income must be 150% or less of federal poverty guidelines (about \$25,000 per year for a family of four).

Patients are referred through existing low-income health clinics, school nurses, parish nurses, the Medical Service Bureau and any physician in the Medical Society of Sedgwick County. Participating doctors donate their time and services. Diagnostic and laboratory tests are also donated (where possible) and if patients need hospitalization they can be referred to Via Christi, Wesley, Riverside, Kansas Heart Hospital and the Kansas Surgery and Recovery Center. Patients enrolled in Project Access are provided a pharmacy card that can be used at area pharmacies for outpatient prescriptions written by Project Access physicians.

Patients are responsible for the \$4 co-pay for each prescription when they receive their medication. Automatic generic substitutions are made when possible and pharmacy services and medications are provided at cost. Prescriptions are capped at \$750 per client per year and a prescription formulary limits the types of drugs which can be reimbursed.

Project Access has established permanent offices at the Medical Society of Sedgwick County located at 1102 South Hillside. Project Access has more than 200 doctors who have agreed to participate in the program and the independent pharmacies, Dillons, Albertsons and Osco pharmacies have also agreed to participate in the project.

The City of Wichita and Sedgwick County have been requested to provide \$250,000 each for the first year for the prescription coverage. Sedgwick County has committed local funds for Project Access. United Way recently approved \$120,000 to fund the first year of operation of Project Access. Project Access began accepting clients September 1, 1999.

The City has undertaken a public-private partnerships in the past and Project Access represents an additional opportunity to foster new public-private partnerships while improving health care for those least able to afford it. It

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also permits the City to take advantage of a national model program (which is being considered by 20 other cities) and generate significant return on investment of public funds.

The funding source for the City's share of the prescription costs (not to exceed \$250,000) will be Community Services Block Grant (CSBG) funds. A contract has been negotiated between the City and Central Plains Regional Health Care Foundation, Inc. (the nonprofit organization responsible for Project Access) which will permit the use of CSBG funds for physician authorized medications and durable medical supplies, subject to receipt of appropriate documentation. The term of the contract is one year.

CSBG funds can serve clients with incomes up to 125% of federal poverty guidelines. Sedgwick County funds could reimburse prescription costs for those earning more than 125% of federal poverty levels.

Motion --
-- carried

Pisciotte moved that the grant funding be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DOMESTIC PREPAREDNESS

JUSTICE DEPARTMENT MUNICIPAL AGENCY DOMESTIC PREPAREDNESS EQUIPMENT SUPPORT PROGRAM GRANT APPLICATION.

Agenda Report No. 99-970.

The City of Wichita is eligible to apply for up to \$100,000 in grant funding from the 1999 Municipal Agency Domestic Preparedness Equipment Support Program. Grant funds are to be used to purchase first responder equipment to assist the City in meeting basic defensive capabilities to respond to terrorist incidents and weapons of mass destruction involving the use of chemical, biological, and radiological weapons and incendiary devices

Grant funds are limited to purchase of personal protective, detection, and communications equipment. Accordingly, the City's grant application includes funding for one-time equipment purchases including: gas masks, Level B protective suits, pagers, throat microphones, radios, and various kinds of detectors and analyzers.

The City is requesting a total of \$99,989 in grant funds. No matching or local funds are required.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

YOUTH OPPORTUNITY YOUTH OPPORTUNITY GRANT APPLICATION.

Agenda Report No. 99-971.

In June 1999, the U.S. Department of Labor issued instructions for Youth Opportunity Grant applications. The grants are to be used to increase the long-term employment of youth who live in high-poverty areas, develop high-quality programs that help individual youth find better jobs, increase their educational attainment, and achieve community-wide impacts by increasing youth employment rates and educational attainment. As part of a nation-wide competition, the Department of Labor expects to award 25 to 30 grants.

As grant recipient for the federal Job Training Partnership Act funds, the City of Wichita is the local entity eligible to apply for the Youth Opportunity Grant funds. However, the grant application has been developed by (and the program would be operated by): Urban League of Wichita; the SER Corporation; and Boys & Girls Clubs. Other partnering agencies include: Wichita Indochinese Center; Wichita Public Schools; Hope Inc.; Sedgwick County Juvenile Field Service; Ninth Street Church of God; Center for Health & Wellness; and Wichita State University.

The application is for \$5 million to operate a local program for one year, with possible extensions of federal funding for an additional four years. The program plans to serve at least 750 youth per year with a combination of education, job training, work experience, job placement, support service, and mentoring programs.

No City funds are requested for the program. Sustainability after the end of federal funding will not require City funds.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0

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PROPERTY ACQ.

ACQUISITION OF 7201-7203-7205 WEST CENTRAL FOR THE CENTRAL/RIDGE INTERSECTION PROJECT. (District V)

Agenda Report No. 99-972.

The widening and improvement of Central from the Big Ditch to Woodchuck is included in the Arterial Corridor improvements in the 2000 CIP. As part of this project, the intersection of Ridge Road and Central will be widened and turn lanes added. These improvements will require the acquisition and removal of the commercial property on the southwest corner of the intersection, commonly known as 7201-03-05 West Central. The site contains 15,625 square feet and is improved with a 4,057 square foot multi-tenant retail facility.

The property was appraised at \$275,000 and the owner has agreed to sell the property for this amount. As there is State funding in the project, the three existing tenants will be eligible for relocation. One of the tenants has a five-year, non-terminable lease. He has agreed to modify his lease for \$46,700. This amount also includes his relocation benefits and represents a premium of approximately \$10,000 for lease modification. All tenants will continue to pay rent until they relocate.

The Capital Improvement Program includes funds for Arterial Corridor acquisitions. The funding source is General Obligation Bonds. A budget of \$370,000 is requested. This includes \$275,000 for the acquisition, \$90,000 for relocation and \$5,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 28)

PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED AT THE NORTHWEST CORNER OF HILLSIDE AND 13TH STREET NORTH. (District I)

Motion --
-- carried

Knight moved that this Item be set over to the next regular Agenda to allow public comment. Motion carried 7 to 0.

SALARY ORDINANCES

POSITION AND CLASSIFICATION SALARY ORDINANCES.

Agenda Report No. 99-974.

Review of position classifications is an ongoing process within the City's organization. Revisions in job classifications are often required because of changing services, regulatory requirements, organizational changes, new positions and changing experience level required.

Changes are recommended to certain jobs and titles to better describe the nature of jobs and to adopt more current job descriptions.

All changes included (herein) are provided in the approved 1999 Budget. There will be no unanticipated budgetary impact.

Motion --
-- carried

Knight moved that the salary changes be approved and the Ordinances be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges , introduced and under the rules laid over.

ORDINANCE

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance No. 44-120, introduced and under the rules laid over.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 21, 1999)

- a. Tax Exemption Request - Airxcel, Inc. (District VI)

ORDINANCE NO. 44-331

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Airxcel, inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. DR-99-4 - Street name change from Jackson Street to Jackson Heights Street - west of 127th Street East between Douglas and Central. (District II)

ORDINANCE NO. 44-332

An Ordinance changing the street name of Jackson Street to Jackson Heights as Platted in Plaza Central Office Park Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 30c)

- c. Industrial revenue bonds – Eaton Place project. (District I) (First read August 24, 1999)

Council Member Cole

Council Member Cole explained that, due to the bond underwriter being unable to set the rate, this Item should be pulled.

Motion -- carried

Cole moved that this Item be stricken. Motion carried 7 to 0.

- d. Z-3298 - south of Kellogg, west of Woodlawn. (District II)

ORDINANCE NO. 44-333

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- e. Z-3306 - east side of Tyler Road, north of 21st Street North. (District V)

ORDINANCE NO. 44-334

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

(Item No.31)
V-2021

V-2021 - REQUEST TO VACATE A PORTION OF STREET RIGHT-OF-WAY LOCATED IN AN AREA NORTH OF OLD CENTRAL AVENUE BETWEEN WEBB ROAD AND GREENWICH ROAD.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-975.

Staff Recommendation: Approve vacation of street right-of-way.
MAPC Recommendation: Approve vacation of street right-of-way. (unanimous)

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The relocation of Central Avenue has created this situation, in which the former Central Avenue and surrounding streets are no longer needed for public use. Raytheon Aircraft Company owns all adjoining land, except for one lot. There are numerous public utilities located within the areas proposed for vacation.

No one spoke in opposition to this request at the MAPC's hearing, and the MAPC voted to approve the vacation, subject to the applicant covenanting all lots together that will no longer have access to public streets, the vacated streets being retained as utility easements, and the applicant guaranteeing the construction of turn arounds at the south ends of Byrd, Goebel and at the end of the north end of Beech. The applicants just recently completed all of the requirements. No written protests have been filed.

This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Motion – Carried

Pisciotte moved that the vacation be approved. Motion carried 7 to 0.

S/D 99-29

S/D 99-29 - PLAT OF HIGHLAND SPRINGS 2ND ADDITION LOCATED WEST OF 135TH STREET WEST, SOUTH OF CENTRAL (District V)

Agenda Report No. 99-976.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

The 122-lot plat is zoned SF-6, Single-Family Residential.

Petitions have been submitted for sewer, water, drainage, traffic, and paving improvements. A Certificate of Petitions, restrictive covenants, and off-site dedication have been provided.

Council Member Martz

Council Member Martz inquired whether proper drainage was included in the plat.

Marvin Krout

Director of Planning said the plat meets the requirements including retention of stormwater runoff. This area is well to the west of the Calfskin floodplain.

Motion --

-- carried

Martz moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-372

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89426 (west of 135th Street West, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-373

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89428 (west of 135th Street West, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-374

Resolution of findings of advisability and Resolution authorizing construction of Lateral 22, Cowskin Interceptor Sewer (west of 135th Street West, south of Central), Project No. 468-83027, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-99-375

Resolution of findings of advisability and Resolution authorizing construction of Lateral 23, Cowskin Interceptor Sewer (west of 135th Street West, south of Central), Project No. 468-83028, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-376

Resolution of findings of advisability and Resolution authorizing construction of Lateral 24, Cowskin Interceptor Sewer (west of 135th Street West, south of Central), 468-83029, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-377

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 149 (west of 135th Street West, south of Central) Project No. 468-83032, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-378

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 527 (west of 135th Street West, south of Central) Project No. 468-83033 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-379

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 528 (west of 135th Street West, south of Central) Project No. 468-83034 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-380

Resolution of findings of advisability and Resolution authorizing improving of Highland Springs from the east line of the plat west to the northwest line of Lot 20, Block C; Aksarben from the north line of Highland Springs, north to the north line of the plat; Remington Lane from the south line of Highland Springs, south to the southwesterly line of Remington Lane Court; Highland Springs Court from the north line of Highland Springs North to and including the cul-de-sac; Remington Court from the south line of Remington Lane South to and including the cul-de-sac, and; sidewalk along both sides of Highland Springs, from the east line of the plat to the northwest line of Lot 20, Block C, on one side of Aksarben, from the north line of Highland Springs, north to the south line of Highland Springs, south to the southwesterly line of Remington Lane Court, Project No. 472-83142 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-381

Resolution of findings of advisability and Resolution authorizing improving of Highland Springs from the northwesterly line of Lot 20, Block C, west to the west line of the plat; Remington Lane from the southwesterly line of Remington Lane Court, west to the northwesterly line of Lot 13, Block D; Bluegrass from the south line of Remington Lane South to the southwesterly line of Bluegrass Court; Highland Springs Courts, (Lots 8-19, Block C) from the north line of Highland Springs, north to and including the cul-de-sac, and (Lots 1-7, Block C) from the north line of Highland Springs, north and including the cul-de-sac; Remington Lane Court from the north line of Remington Lane, north to and including the cul-de-sac; Bluegrass Court from the south line of Bluegrass, south to and including the cul-de-sac, and; sidewalk along both sides of Highland Springs from northwesterly line of Lot 20, Block C, to the west line of the plat, on one side of Remington Lane from the southwesterly line of

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Remington Lane Court to the northwesterly line of Lot 13, Block D, and on one side of Bluegrass from the south line of Remington Lane to the southwesterly line of Bluegrass Court, Project No. 472-83143 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-382

Resolution of findings of advisability and Resolution authorizing improving of Remington Lane from the northwest line of Lot 13, Block D, west to the east line of Kentucky Lane; Bluegrass from the southwesterly line of Bluegrass Court, west to the east line of Kentucky Lane; Kentucky Lane from the west line of Bluegrass, north to the north line of the plat; Remington Lane Court (Lots 4 through 12, Block D) from the north line of Remington Lane, north to and including the cul-de-sac; Bluegrass Court (Lots 10 through 14, Block E) from the north line of Bluegrass, north to and including the cul-de-sac, and; sidewalk along one side of Remington Lane from the northwesterly line of Lot 13, Block D, to the east line of Kentucky Lane, on Bluegrass from the southwesterly line of Bluegrass Court, west to the east line of Kentucky Lane, and on Kentucky Lane from the west line of Bluegrass, north to the north line of the plat, Project No. 472-83144 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice, and the regular meeting be resumed no later than in the City Council Chambers. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:12 a.m. and reconvened at 10:35 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:35 a.m.

Pat Burnett CMC
City Clerk

Workshop followed the City Council meeting.